

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag. The initial comments of the MPAA and others aligned with its position ignore the consumer's side of the digital television bargain. This is troubling if the object of this proceeding is to convince consumers to buy digital television devices.

Copy-prohibition inhibits fair-use rights of consumers. Just like the DAT format was killed by ill-advised heavy-handed copy prohibition, HDTV can suffer the same fate.

The MPAA would have the Commission believe that the DTV transition is best served by forcing consumers to receive DTV content only by means of special-purpose DTV devices. The truth is that general-purpose computers can do more while costing less. The broadcast flag would disallow the creative community to develop innovative devices. Could TiVO have been created with such a restricted broadcast medium?

The digital television transition relies on convincing consumers of the benefits of switching to and buying digital television equipment. That transition will be far more palatable to me as a consumer if switching doesn't mean discarding my existing home network, buying new high-resolutions displays, and finding room for yet another device in my living room. Please do not allow the MPAA and its allies to hinder the transition by making us set aside our computers and buy special-purpose DTV devices that are more expensive and less valuable.

In addition, I am very concerned about the fair-use implications of the broadcast flag. With today's technology, I can be more than a passive recipient of content; I can modify, create and participate. I can record TV to watch later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all consumers rather than enable those who would restrict consumer rights. In the case of the broadcast flag, it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only to be cracked once, and it will propagate rapidly across the Internet. So, while I may be required to purchase consumer electronic devices that cost more and allow me to do less, piracy will not be diminished.

Do not craft heavy handed legislation for broadcast content. Especially ineffective legislation that does not really stop a dedicated pirate and greatly inconveniences the average consumer.